

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) No. 03-10370-DPW
)
 v.)
)
)
 7. SCOTT MYERS,)
)
)
 Defendant.)

GOVERNMENT'S SUPPLEMENTAL RESPONSE TO SCOTT MYERS'
EX PARTE OMNIBUS RELIEF MOTION
(DEFENDANT'S ACCESS TO LEGAL RESEARCH MATERIALS)

Scott Myers ("Myers"), acting *pro se*, filed a motion regarding his access to discovery materials, legal research resources, and a typewriter. The government filed an initial response on March 2, 2004. This supplemental response is filed at the Court's request, and contains information learned by Deputy U.S. Marshal Jeff Bohn ("DUSM Bohn") from Myers' custodians at Plymouth County Correctional Facility ("Plymouth").

I. Facts

DUSM Bohn reports that, at Plymouth, Myers has access to the law library for 6 hours per week (Tuesday, Wednesday, and Friday, 9:00-10:30 a.m., and Thursday, 1:00-2:30 p.m.). According to DUSM Bohn, the staff at Plymouth report that Myers regularly uses his allotted library time, and has not filed or registered any grievances or complaints at the institution with respect to his access to the library or the legal materials contained therein.

DUSM Bohn reports that Myers is allowed to keep 5" of legal materials (discovery in his case) in his cell at a time. Myers may exchange those legal materials for other legal materials

(stored in the property department).

DUSM Bohn also reports that Myers has access to a paralegal or attorney in the law library, and that Myers has worked with that person during his incarceration at Plymouth. As of yesterday (March 30, 2004), it was reported that the attorney/paralegal had received and responded to at least 27 requests from Myers for legal assistance (in the form of information and/or case citations).

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By:


RACHEL E. HERSHFANG
Assistant U.S. Attorney

Dated: March 31, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by first class mail:

Jonathan Shapiro, Esq.
Stern, Shapiro, Weissberg & Garin
90 Canal Street
5th Floor
Boston, MA 02114

This 31st day of March, 2004


RACHEL E. HERSHFANG